

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ORDER

Petitioner Adnan Hassan Zaidi, appearing *pro se*, instituted this action pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. At the time the petition was filed, petitioner was in the custody of the United States Immigration and Customs Enforcement (“ICE”). Respondents state that petitioner has been released from ICE custody and petitioner has not responded. Pursuant to 28 U.S.C. § 636(b)(1)(B), this matter was referred to Magistrate Judge Valerie K. Couch, who recommended that the respondents’ first motion to dismiss be denied as moot, the respondents’ second motion to dismiss be granted and the petition dismissed as moot, and petitioner’s motion to appoint counsel be denied.

Petitioner has failed to object to the Report and Recommendation and, therefore, has waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1); LCvR 72.1(a). Also, the court substantially concurs with the magistrate judge's analysis.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #22]. The

petitioner's motion to appoint counsel [Doc. # 4] is **DENIED**, the respondents' first motion to dismiss [Doc. #9] is **DENIED** as **MOOT**, the respondents' second motion to dismiss [Doc. #20] is **GRANTED**, and the petition for a writ of habeas corpus is **DISMISSED** as **MOOT**.

IT IS SO ORDERED.

Dated this 31st day of March, 2008.



JOE HEATON
UNITED STATES DISTRICT JUDGE